D.B. CRIMINAL LEAVE TO APPEAL NO.113/2006
(State of Rajasthan vs. Smt.Shanti)

DATE OF ORDER:06.07.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE R.P.VYAS

Mr.J.P.S.Choudhary,Public Prosecutor

BY THE COURT(PER HON'BLE MR.MATHUR J.)

The respondent Smt.Shanti along with one Rampal stood trial on the charge of murder of one Smt.Sugna. The learned Additional Sessions Judge (Fast Track) No.1, Bhilwara by the impugned judgment dated 12.11.2005 while convicting Rampal for offence under Section 302 I.P.C. acquitted the accused respondent Smt.Shanti of the charges levelled against her.

We have perused the judgment. It is alleged that accused Rampal was having illicit relations with Smt.Shanti. On scanning the entire record we find that there is no evidence worth the name to connect Mst.Shanti with the alleged crime. It is stated by the prosecution witnesses that they had seen the accused Rampal inflicting injuries to deceased Sugna by lathi. None has stated that Mst.Shanti had also inflicted any injury to deceased Sugna. There is no evidence of recovery or any kind of

incriminating circumstances showing the complicity of Mst.Shanti. Some of the witnesses have only stated that there was a rumour that Rampal and Mst.Shanti were having illicit relations, which was being objected by deceased Sugna. In our view this in itself is not sufficient to connect Mst.Shanti with the alleged crime. As per the arrest memo while the accused Rampal is aged 25 years, the respondent Shanti is aged 49 years. No interference is warranted with the judgment of the trial court. We do not find it to be a fit case to grant leave to appeal.

The application for grant of leave to appeal filed by the State stands rejected.

(R.P.VYAS) J. **(N.N.MATHUR) J.**

BKS/-